



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 28 2016

via UPS

Christopher J. Pass, Environmental Safety Manager
Container Research Corporation
1 Hollow Hill Road
Glen Riddle, PA 19037

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Container Research Corporation
EPA ID No. PAD002294585
Reference Number: C16-011

Dear Mr. Pass:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Container Research Corporation facility ("CRC" or "the facility") located in Glen Riddle, PA on August 20, 2015 (report narrative and photographic log enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **twenty-one (21) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it

corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. At the time of the inspection a 55gal drum on a wooden pallet was found in the Small Welding Area (see Photographs 11 & 12 in enclosed inspection report). Regarding this container, please provide the following:
 - a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon

analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
2. At the time of the inspection a dumpster-like container was found holding crushed paint cans in the Paint Room (Photo 16). Regarding this container, please provide the following information:
- a. Please describe the process that generates these cans. What equipment is used to crush the cans? Is any liquid waste generated from the crushing process? If so, how is that liquid waste managed?
 - b. Also seen in the photograph is what appears to be the top of a 55gal drum with a Hazardous Waste (HW) label. Please explain the source of that, and how it ended up in this dumpster.
 - c. State whether a "waste determination" and "Land Disposal Restriction (LDR) determination" has been made for the dumpster contents
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the contents have been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If they have been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the container has been shipped off-site and the date of such shipment(s). If it has not been shipped off-site, state its current location and

explain why it has not been shipped off-site.

- h. If the container was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
3. On the east side of the Paint Booth, three 55gal drums were observed (Photos 17-20). Regarding **each** of these containers, please provide the following:
- a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a “waste determination” and “LDR determination” has been made for the material
 - d. If a “waste determination” and “LDR determination” has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be “hazardous waste,” please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator’s knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
4. In the Maintenance Area ten cardboard boxes were found containing spent fluorescent light bulbs (Photo 26). Regarding **each of these boxes**, please provide the following information:
- a. Initial date of accumulation

- b. Please state if the box has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - c. If the box was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
5. At the time of the inspection the Treatment/Storage/Disposal (TSD) Facility-signed copies were not found for Manifests ##007695160 and 007695161 (both shipments on 6/11/14). Regarding each of these two shipments please provide the following:
 - a. Has the facility contacted the transporter and/or the owner/operator of the TSD regarding the manifest? If so, please state the date(s) this was performed and submit any available records regarding the communication.
 - b. Has the facility submitted an Exception Report, as described in 40 C.F.R. § 262.42(a)(2), to EPA or PADEP regarding this manifest? If so, please state the date this was performed and submit a copy of the report.
 - c. Has the facility since received the TSD-signed copy of the manifest? If so, please state the date it was received and submit a copy of the TSD-signed manifest.
6. No Land Disposal Restriction (LDR) form was observed for the 7/7/14 shipment of D039 waste going to Safety-Kleen Systems, Inc. in West Chester, PA (RCRA ID# PAD000738849).
 - a. At the time of the inspection was the facility retaining an LDR form pertaining to this waste stream? If so, please submit a copy of the form.
 - b. If the facility was not retaining such a copy, has an LDR form for that waste stream been obtained since the date of the inspection? If so, please submit a copy of this form and state the date when it was obtained by the facility.
7. Does the facility conduct weekly inspections of its HW storage area(s)? If so, please state which areas are inspected and what each inspection covers. Please also state whether written logs are generated for these inspections. If written logs are generated, please submit copies of all such logs for the time period of January 2011 to the present.
8. At the time of the inspection the Biennial Report for 2013 was not found. Did the facility generate a report, as described in 40 C.F.R. § 262.41, for the year 2013? If so, please submit a copy of the report and state the date the report was originally submitted to PADEP.
9. The facility's Contingency Plan, dated 2/19/15, did not appear to be consistent with the

facility's practices in effect at the time of the inspection. Specifically, it states that HW "will be stored in the Hazardous Material shed of the paint storage area or inside the building within a portable containment box," neither of which the facility seemed to be doing at the time of the inspection. Since the inspection, has the facility revised either its HW management practices or its Contingency Plan? If so, please describe the revisions made and state the date of any such revisions. If the Contingency Plan has been revised, please submit the revised version.

10. Regarding the facility's RCRA training program, please provide the following:
 - a. At the time of the inspection, was the facility maintaining a list of employees with hazardous waste management responsibilities, along with their job titles and descriptions, and the type of training to be provided, as described in 40 C.F.R. § 265.16(d)(1)-(3)? If so, please submit such documentation. If the facility has developed such documentation since the date of the inspection, please state the date the document(s) were generated and provide a copy.
 - b. For each employee required to undergo RCRA training, has the facility provided initial and annual refresher RCRA training for the years 2011-2015? If so, please provide documentation of such training for each year and each employee. In addition to those employees actually handling hazardous waste, the facility should include those employees signing hazardous waste manifests on behalf of the facility, as well as those listed as Emergency Coordinators in the facility's Contingency Plan.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,

A handwritten signature in cursive script, reading "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: Martin Matlin (3LC70) w/o enc.
Pauline Belgiovane (3LC70)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

SIGNATURE

DATE